

FILED

APR 22 2019

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUDGE REBECCA R. PALLMEYER  
UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA

v.

CONCEPCION MALINEK

No. 19 CR 277

Rebecca R. Pallmeyer  
Acting Chief Judge

**GOVERNMENT'S MOTION FOR AN EXTENSION OF  
TIME TO RETURN AN INDICTMENT**

The UNITED STATES OF AMERICA, through JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully moves this Court for an extension of time, to and including May 27, 2019, in which to seek the return of an indictment against defendant Concepcion Malinek, pursuant to Title 18, United States Code, Section 3161(h)(7). In support of this motion, the government states as follows:

**Background**

1. On March 26, 2019, defendant was charged by criminal complaint with two counts of labor trafficking, in violation of 18 U.S.C. § 1589(a)(2) and (a)(4). R. 1.
2. Defendant was arrested on March 26, 2019, at her residence in Cicero, Illinois. Defendant made an initial appearance on March 26, 2019, before Magistrate Judge Cole in the Northern District of Illinois. R.3. A detention hearing was held on March 28, 2019, and Judge Cole ordered the defendant detained as a risk of flight and danger to the community on the government's motion. R. 5. The defendant waived her preliminary examination hearing. *Id.*

3. The defendant is currently without counsel as she searches for a private attorney so the government has been unable to determine if the defendant objects to this motion.

### Argument

4. According to the Speedy Trial Act, the government must file any information or indictment charging an individual with the commission of an offense within thirty days from the date on which the individual was arrested. 18 U.S.C. § 3161(b). Time may be excluded from the computation of this thirty-day period if a judge grants a motion for a continuance made by the government upon finding that the ends of justice served by granting the continuance outweigh the best interest of the defendant and public in a speedy trial. *Id.* § 3161(h)(7)(A); *see also United States v. Adams*, 625 F.3d 371, 378–79 (7th Cir. 2010). In granting a motion for the exclusion of time, courts may consider whether “delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within” thirty days of the arrest, and whether “the facts upon which the grand jury must base its determination are unusual or complex.” 18 U.S.C. § 3161(h)(7)(B)(iii).

5. Because the defendant was arrested on March 26, 2019, and made her initial appearance on the same date, the thirty-day deadline for an indictment to be filed against is April 25, 2019.

6. For the reasons set forth in the government’s sealed Attachment, the government seeks an extension of time to and including May 27, 2019, in which to return an indictment or file an information.

**Conclusion**

WHEREFORE, for these reasons, and for the reasons set forth in the government's sealed Attachment, the United States respectfully requests that this Court grant this motion and extend time for returning an indictment or filing an information to, and including, May 27, 2019.

Respectfully submitted,  
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